

to lead anyone else's browser to selected network locations. The Sanderman text excerpts cited by the Examiner have been carefully reviewed in particular, and are not to the contrary. Sanderman therefore does not anticipate Claim 1, and Claim 1 is therefore believed to be distinguished over Sanderman. Reconsideration is requested.

Claim 2 requires, among other things, a communications process wherein a user is enabled to have a live chat session with a service person, simply by clicking on a button; and further wherein the service person leads the user to a selected location on the web. The Sanderman technology is not enabling of this claimed process; there is no mechanism for, and no discussion about, leading a user's browser to a selected location on the web, and there is also no teaching of using a chat function to connect a user and a service person for answering questions or leading the user to a selected web site. The Sanderman text excerpt cited by the Examiner has been carefully reviewed in particular, and is not to the contrary. Sanderman therefore does not anticipate Claim 2, and Claim 2 is therefore believed to be distinguished over Sanderman as well. Reconsideration is also requested.

Claims 1 - 3 stand rejected under 35 USC §102(e) as being anticipated by England; applicant respectfully traverses this rejection. Applicant invented at least some of the claimed subject matter as early as 1996, and all of it no later than January 1998, all well before England was filed in February 1998. See the attached Declarations of Damion L. Hankejh, Michael J. Lande, Sidney Brown, Don Moschberger, and Hoa Ton-That. Therefore England is not a suitable 102e reference in this case, all as set forth in greater detail below.

Inventor Damion Hankejh recalls in his declaration (attached hereto) that before 1996, when he and his colleagues wanted to share or pass internet website links to other site(s) to each other while they were engaged in a chat session with each other, they had to go to the trouble to write out the full website link in a chat text, and then the recipients that were logged on with him would

copy the website link from their chat page and paste it into the address bar of a separate browser application running simultaneously on their computer so as to cause that separate browser to navigate to that pasted website link address. There was thus no browser leading available directly in a chat session in 1996. (Declaration of Hankejh, paragraph 2.) This state of the art before 1996 is corroborated by contemporary witnesses Michael J. Lande, Don Moschberger, and Sidney Brown. (See respective Declarations of Lande, Moschberger and Brown, para 2, each, also attached.)

Hankejh discovered early in New York in 1996 that a chat function could be combined with a browser leading function, such that one chat participant could lead all other chat participants to any location on the Web, or any other networked communication environment, by simply entering a web address on a special address bar or the like inside the specially created chat environment. (Declaration of Hankejh, paragraph 3.) Moschberger confirms that Hankejh shared this vision with him at least as early as the Fall of 1996 (Declaration of Moschberger, para 3); Brown and Lande confirm that Hankejh shared this vision with them at least as early as January 1998 (Declaration of Brown, paras 3, 5; Declaration of Lande, paras 3, 5).

Co-inventor Hoa Ton-That recalls in his declaration (also attached hereto) that he was also working on similar technology early in 1996 in Akron, Ohio; that is, a chat function that could be combined with a browser leading function, so that a chat participant, by entering a web address on a special address bar or the like inside a special chat environment, and activating it, could lead all other chat participants' simultaneously running browsers to any location on the Web. (Declaration of Ton-That, paragraph 2.) Hankejh and Ton-That disclosed and shared these respective visions of theirs with each other in July 1996 and then began a collaboration leading to the technology disclosed in the present patent application. (Declaration of Hankejh, paragraph 4; Declaration of Ton-That, paragraph 3.) The above related discoveries of Hankejh and Ton-That

encompass the subject matter of Claim 1 as filed, and establish a conception date by them for Claim 1 as of early 1996, at least before July 1996. They corroborate each other, and are in turn corroborated by Moschberger, as indicated.

Hankejh knew in 1996 that Java code could be written to interact with both a chat environment and a browser environment to effect the browser leading function in the special chat environment that he envisioned, and he started writing his own Java code to create some of his earliest test embodiments. Although none of these test embodiments survive to this date so far as he recalls, he does recall that in July 1996 he got in touch with his friend and subsequent co-inventor Hoa Ton-That and explained to him his vision for a browser leading function within a chat function that could be enabled by Java coding, and showed him some of his test examples. (Declaration of Hankejh, paragraph 4.) This is confirmed by Ton-That, who also recalls that in July 1996 Hankejh explained to him his vision for a browser leading function within a chat function that could be enabled by Java coding, just as set forth in the patent application on file and in Hankejh's declaration (both of which Ton-That has recently reviewed). (Declaration of Ton-That, paragraph 3.) Ton-That also showed Hankejh some of his own earlier work on the same subject and they agreed to collaborate. (Declaration of Hankejh, paragraph 4; Declaration of Ton-That, paragraph 3.) They then worked together between July 1996 and August 1996, virtually connected to each other over the Web, and created several further test embodiments, culminating later in the Fall of 1996 in a successful and functional prototype of a Java-based browser leading function enabled in a chat session. (Declaration of Hankejh, paragraph 4; Declaration of Ton-That, paragraph 3.) They both tested and verified it repeatedly, first with each other, and then tested it in confidence among some of Damion's colleagues, such as Don Moschberger and Dr. Arthur Ammann, at the American Foundation for AIDS Research (amfAR) in New York City, NY, and with several of Ton-That's colleagues, Brian Deagan and Bill Landers, in Akron, OH, all before

the end of 1996. (Declaration of Hankejh, paragraph 4; Declaration of Ton-That, paragraph 3.) This early testing is also confirmed by Moschberger. (Declaration of Moschberger, para 3.) The above related collaboration, co-development and testing establishes requisite diligence toward reduction to practice, and a first reduction to practice, of the subject matter of Claim 1 before the end of 1996.

Hankejh also recalls learning in the Fall of 1996 about amfAR's peer review professional advisory committees and grantee researchers funded by amfAR. He was working on developing a Web site for the amfAR organization at the time with Moschberger who was then their CTO. Hankejh realized that his novel browser leading chat session could also serve as both a collaboration and educational tool for such an organization, and also in a broader sense as a customer service and support tool for the then burgeoning e-commerce market. He visualized that a chat session could be started, and virtually any number of people could then log into that chat session, and then a designated chat leader could lead the browsers of the other chat members to anywhere on the web, including URL's within a website hosted by the chat leader himself and containing all the educational or collaboration materials that he wanted to share with his colleagues. (Declaration of Hankejh, paragraph 5.) Moschberger confirms all of this entirely. (Declaration of Moschberger, paragraph 4.) Ton-That confirms that all of this was also shared and discussed with him by Hankejh in the Fall of 1996. (Declaration of Ton-That, paragraph 4.) Hankejh also discovered that a customer service rep (CSR), while leading a chat session with an online customer, could lead the customer to web pages that would either show the customer what she had been looking for, or show her other information that would help her in her online shopping. He also discovered that a user could click on a unique hyperlink button on a Web site put there for the purpose of connecting the user via the hyperlink with a real-time chat dialogue with the live sales or service person. The service person could then answer questions in the chat and in the same

session lead the user to any desired location on the Web. (Declaration of Hankejh, paras 5, 6.) Ton-That confirms being part of this discussion (Declaration of Ton-That, paras 4, 5), and Moschberger confirms as well and recalls in addition that part of what Hankejh explained to him was that a user could click on a unique hyperlink button on a Web site put there for the purpose of connecting the user via the hyperlink with a real-time chat dialogue with the live sales or service person, and that the service person could then answer questions in the chat and in the same session lead the user to any desired location on the Web. (Declaration of Moschberger, paragraph 4.) Similar discussions were had in January 1998 with Lande and Brown in Seattle, who also confirm the substance related above. (Declarations of Lande and Brown, paras 6, each).

Lande was introduced to Hankejh in Seattle by Martin Rood and Hankejh and Rood explained to him their vision for a browser leading function within a chat function that could be enabled by Java coding. Lande was then an attorney with the firm of McDonald & Quackenbush in Seattle, and was counsel for Rood, doing preliminary work for Rood for formation of the company which was to become Sessio.com (predecessor to the current owner of the application) in approximately April 1998. Lande recalls that the purpose of the meeting was to discuss the formation of Sessio and for them to show him their idea and the technology that would be the cornerstone of the new company. (Declaration of Lande, para 3.) Lande also recalls that in early January Hankejh and Rood discussed with him in Seattle the use of a browser based chat product that could be used for customer communication, support, and sales, and that they demonstrated to him the technology at Lande's office in Seattle. (Declaration of Lande, para 4.) He recalls seeing Damion act as a customer service rep while Rood acted as a customer, and Lande saw Hankejh and Rood chatting while Hankejh led Rood's computer around the net by pushing him pages via the chat/browser. Lande sat in on several demonstrations of this prototype beginning in January 1998.

(Declaration of Lande, para 4.) Brown also corroborates this and recalls these demonstration as they where done for him in January 1998. (Declaration of Brown, para 4.)

On several occasions in January 1998, Lande also recalls that Hankejh went to the board and mapped out how the system was working and the basic architecture. Attached to Lande's declaration is a drawing which represents his best recollection of what that architecture looked like to him at the time. He also says his recollection is that the drawing depicts the high-level overview of the service, including its essential architecture and use of Internet infrastructure to eliminate software installation. (Declaration of Lande, para 4.) Lande also says his drawing is also a good representation, at a high level, of the system described above, and that he understood in January 1998 that this was also how a customer service rep, while leading a chat session with an online customer, could lead the customer to web pages that would either show the customer what she had been looking for, or show her other information that would help her in her online shopping. (Declaration of Lande, para 6.) It is submitted that the Lande drawing is indeed a high level view of the subject matter of at least claims 2 and 3, and is further evidence that the subject matter of these claims was reduced to practice as early as January 1998. The above related discoveries of Hankejh, Ton-That and Rood encompass the subject matter of Claim 2 as filed, and establish a conception date by them for Claim 2 as early as Fall 1996. Hankejh and Ton-That corroborate each other, and are in turn corroborated by Moschberger, Lande and Brown, as indicated.

Hankejh and Ton-That continued to collaborate in the USA on creating several prototypes of these advanced chat/browser and CS or CSR applications from the Fall of 1996 to about August 1997, and discussed their workings with each other and demonstrated them in confidence with Hankejh's colleagues at amfAR in NYC. (Declaration of Hankejh, paragraph 7; Declaration of Ton-That, paragraph 6.) Moschberger confirms this. (Declaration of Moschberger, para 5.) Also between the Fall of 1996 and August 1997, they worked on expanding and refining the code base

in these prototypes to better enable the process, and to build a platform that could accommodate mission critical applications. They worked many hours on issues of scalability, robustness for reduced dropouts and greater reliability, and redundancy. During this time, Hankejh and Ton-That made and tested each prototype, each one created from previous test results and from continually emerging requirements to meet criteria as Hankejh envisioned them, including the ones since disclosed in their patent application. Hankejh and Ton-That mutually confirm this in their respective declarations. (Declaration of Hankejh, paragraphs 8-9; Declaration of Ton-That, paragraphs 7-8.) The above related collaboration, co-development, testing and demonstration establishes requisite diligence toward reduction to practice, and a first reduction to practice, of the subject matter of Claim 2 before the end of 1997, or at least no later than January 1998, when the successful prototype was demonstrated to Lande and to Brown, as set forth above.

By late 1997, Hankejh and Ton-That both realized that a real time internet communications system like the Web would support a chat 'session' service, linked to a web site, to connect one or more support agents to at least one user. They pictured that each agent could log in to the session service, while the user was browsing the website, and that at some point the user could then click a hyperlink button on the website for assistance, and be thereby directed transparently to the session 'cloud' (a virtual queue for users) while the cloud would then notify the logged in agent that a user had made a request for assistance via the link. They visualized that the cloud would also initiate a distribution routine whereby a java client application would be sent to the user's machine, so that when the agent responded to accept the call from the cloud, both the agent and the user would be placed into a session channel or chat specially formed by the java client on the user's machine and an appropriate server operatively connected to the website so that the agent and the user could collaborate. The declarations of Hankejh and Ton-That both mutually confirm each other's recollections as to the conception of this subject matter. (Declaration of Hankejh,

paragraph 10; Declaration of Ton-That, paragraph 9.) In addition, Moschberger, Lande and Brown all confirm and recall having discussions with Hankejh about this same subject matter no later than January 1998. (Declaration of Moschberger, paragraph 6; Declarations of Lande and Brown, paragraph 7, each.) The above related discoveries of Hankejh and Ton-That encompass the subject matter of Claim 3 as filed, and establish a conception date by them for Claim 3 as early as late 1997, and no later than January 1998. Hankejh and Ton-That corroborate each other, and are in turn corroborated by Moschberger, Lande and Brown, as indicated.

Hankejh and Ton-That both continued to work throughout late 1997 on perfecting Java code to define and implement their conceptual notions of 'session' and 'cloud'. In particular they successfully developed their first thin java client prototype that could be speedily and readily downloaded on demand to any user clicking such a CSR hyperlink, and also developed the prototype for the companion java server, along with a successful implementation of the virtual queue, or cloud. Hankejh and Ton-That corroborate each other in this, as in other points herein. (Declaration of Hankejh, paragraph 11; Declaration of Ton-That, paragraph 10.)

In January 1998 Hankejh was introduced to Rood, and he explained to Rood the whole vision of what they had come to call the isession. Hankejh tested chat / browser leader CS prototypes on various browser platforms, and demonstrated them to Rood. Hankejh, Ton-That and Rood produced together and successfully tested with each other their first robust CS browser leading chat session in January 1998 in Seattle, Washington, thus fulfilling all of the vision and requirements set forth in the above paragraph. Also in January 1998 Hankejh explained the vision of the CS browser leading chat session as set forth above to Lande and to Brown, and demonstrated the prototype discussed above to them in that same month in Seattle. (Declaration of Hankejh, paragraph 12.) Ton-That confirms that Hankejh had reported all this to him contemporaneously. (Declaration of Ton-That, paragraph 11.) Lande and Brown also confirm having this information



imparted to them. (Declarations of Lande and Brown, para 3, each.) The above related collaboration, co-development, testing and demonstration establishes requisite diligence toward reduction to practice, and a first reduction to practice, of the subject matter of Claim 3 before the end of 1997, or at least no later than January 1998, when the successful prototype was demonstrated to Lande and to Brown, as set forth above.

Even after reduction to practice, Hankejh and Ton-That continued their diligence past January 1998 (though actual reduction to practice by January 1998 of all three claims in the application had already by that time established invention by Hankejh and Ton-That before the filing date of the England reference) by ironing out bugs and making needed improvements through 4/98 when Rood and Hankejh engaged patent counsel. Hankejh and Ton-That continued testing and refinement of similar prototypes through at least June of 1998 when the provisional patent application was filed. (Declaration of Hankejh, paragraph 13; Declaration of Ton-That, paragraph 12.)

Hankejh worked on the application with patent counsel and on fullest implementation of best mode particulars for the application between approximately 4/98 and 6/98 when the provisional patent application was filed. During that time, he also continued testing of the invention and verification of their designs during that period, making changes and updates to patent application drafts continually during that period. (Declaration of Hankejh, paragraph 14). The undersigned was patent counsel at the time and attests to and corroborates that substance set forth above as occurring between 4/98 and the provisional application filing in 6/98. The subject matter of Claims 1-3 was alternatively therefore also further and conclusively constructively reduced to practice in 6/98 by the provisional application filing, in that conception occurred for each of the claims well before the England reference filing date, and there was diligence from each conception date all the way up to constructive reduction to practice.

In his final rejection of Claims 1-3 as allegedly anticipated by England, the Examiner took issue with the first declaration of Damion Hankejh, alleging that it was unsupported by documentation or witnesses, that it did not establish requisite diligence from conception to constructive reduction to practice, and that it did not allege reduction to practice in the USA. All of these points are now further addressed and refuted (though Applicant continues to maintain the sufficiency of the first declaration). The entire conception and diligent reduction to practice of the subject matter of each claim is set forth in the revised declaration of Damion Hankejh, and all of it is corroborated in detail by co-inventor Hoa Ton-That. In addition all details are corroborated by at least one additional contemporaneous witness. The subject matter of each claim was completely disclosed (in confidence) to more than one person, and the requisite means and their interaction comprehended and disclosed as well. Diligence in reducing each claimed subject matter to practice, and reduction to practice within the USA, is also set forth and corroborated by multiple witnesses.

Thus it is established that Applicant invented (either by actual reduction to practice, or alternatively by constructive reduction to practice with diligence from date of conception) all of the claimed subject matter no later than January 1998, well before England was filed 2/19/98. Therefore England is not a suitable 102e reference in this case, and Applicant requests withdrawal of the citation and rejections, and reconsideration of the rejected claims, which are believed to be in condition for allowance.

Applicant believes that he has responded fully to all of the concerns expressed by the Examiner in the current Office Action, and previous Final Action, and respectfully requests reexamination of all rejected claims and early favorable action on them as well. If the Examiner has any further concerns, Applicant requests a call to Applicant's attorney Patrick Dwyer at (206) 343-7074.